

Appl. No. : 10/695,269  
 Filed : October 28, 2003

# COMMENTS

In response to the Final Office Action mailed September 28, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

## Claim rejections

Claims 37-39, 41, 43 and 44 stand rejected under 35 U.S.C. 102(a) or (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tasaki (USPN 6,149,975). Claim 40 stands rejected under 35 U.S.C. 103(a) as obvious over Tasaki in view of Soininen. Claim 42 stands rejected under 35 U.S.C. 103(a) as obvious over Tasaki in view of Horsky, Kikuchi, or Howson. Applicant respectfully disagrees with the rejection of these claims. Nevertheless, to advance prosecution, Applicant has amended Claim 37 as outlined below. Applicant reserves the right to pursue Claims 37-44 in their original or similar form in a continuing application.

As amended, Claim 37 recites, in part, an assembly that comprises "a first container having an opening and containing liquid or solid reactant matter; lid configured to cover the opening of said first container; [and] a second container having a gas tight container wall enclosing the first container and defining a gas space around the first container...."

In contrast, Tasaki discloses a dish, which is positioned on a porous plate 3, within a container. See Col. 3, lines 35-50. Tasaki does not disclose, teach or suggest placing a lid on the dish. In addition, there is no motivation to modify the dish disclosed by Tasaki such that it would include a lid. Specifically, Tasaki discloses a dish in which a powder of an organic potassium complex is positioned. *Id.* Before use, this powder is heated to a temperature that is higher than the melting point of the powder. See Col. 3, lines 45-50. The powder is then cooled. *Id.* This causes the powder to form a solidified body 6 in the form of a plate or film. *Id.* Thus, there is no motivation to add a lid to the container 2 because a solid mass is stored on the container 2.

In addition, with respect to Claim 42 and new Claim 45, Applicant respectfully submits that there is also no motivation to combine the references as suggested by the Examiner such that the device of Tasaki would include a mechanical filter. As mentioned above, in Tasaki, the powder is converted into a solid mass, which is stored on the

Appl. No. : 10/695,269  
Filed : October 28, 2003

container. Accordingly, there is no motivation for adding a filter to the container 2 disclosed by Tasaki.

New Claim

Applicant has added new Claim 45. This claim depends upon allowable Claim 37 and, for at least this reason, this claim is also in condition for allowance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 30, 2006

By: 

Rabinder N. Narula  
Registration No. 53,371  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404

2335641  
013006